

2009 SENATE HUMAN SERVICES

SB 2157

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2157

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-14-2009

Recorder Job Number: 6994

Committee Clerk Signature

Mary K. Manson

Minutes:

Vice Chairman Senator Erbele opened the hearing on SB 2157 relating to voluntary blood donation by minors.

Senator J. Lee, District 13, introduced SB 2157 and spoke in favor of it. This bill would permit people 17 years of age to donate blood. There is a tremendous need for blood and the blood donor list in high schools has been very responsive. She understands that there is an issue with forgetting permission slips not that the parents are objecting. Several other states are doing this successfully.

Rep. Hawken, District 46, said this came from one of her constituents. As a blood donor Rep. Hawken is well aware of how serious the need is for people who are willing to donate blood. Increasing the pool of people who could potentially give blood is a positive thing.

Rep. David Rust, District 2, spoke in support of SB 2157. Giving blood is the gift of life. In regards to minors, he doesn't see any problem with 17 year olds deciding to give blood because a number of 17 year olds have already graduated from high school and they are real close to the age of consent. What better thing than to give the gift of life to somebody.

Rep. Ralph Metcalf, District 24, spoke in support of SB 2157. One reason he really supports this is because of the military. There are people in the military that are 17 years of age. Why

should they have to go back and request permission to give blood to service their own people?

The military has a definite need for blood. Another reason is because of the driver licensing procedure for automobiles in ND. Fourteen year olds can be licensed to drive and he is concerned with the accident factor of the younger age group. The preponderance of accidents resulting in injuries needing blood is mostly in the ages of 17-24.

Senator Dever asked whether a parent should have a say if they have an objection.

Rep. Metcalf didn't think so because there are so many decisions those 17 years can and do make without parental authority. He doesn't feel the parents need to control everything. When there is a need for blood and there are people who are willing to give, why should they be denied?

Senator Heckaman wanted to know if this involves other blood products like plasma.

Rep. Metcalf did not research that so could not answer.

Senator J. Lee pointed out that this is not for compensation. It is simply voluntary.

Stacey Majkrzak, United Blood Services, testified in support of SB 257. Attachment #1

She went on to answer the question of blood products. What is meant by blood and blood components or blood products is the red blood cell, the plasma, the platelets.

Senator Heckaman asked what age is it medically safe for people to donate.

Ms. Majkrzak replied that currently 16 and 17 year olds are able to donate with parental consent. Currently the lowest age is 16.

Senator J. Lee offered information that one of the things that has relevance is the size of the person.

Ms. Majkrzak said that they do have eligibility requirements based on gender, height and weight to calculate total blood volume to ensure safety.

Senator Dever asked about other kinds of medical procedures that fall into this type of category where 17 year olds are able to access services without parental consent.

Ms. Majkrzak was not aware of any and referred the question to her Center Director.

Andrea Hatle was not aware of any. She added information about the ages of the donors.

Prior to being center director she was a donor technician and drew blood. She has drawn blood from many children down to the age of 12 which they needed for themselves for upcoming surgeries. There were no problems.

Senator Pomeroy asked if it would be appropriate to go down to 16 year olds.

Ms. Hatle said they would certainly love to see, at some point, 16 year olds being able to donate without consent as well. Right now they would be happy to just allow 17 year olds.

Forty-five states allow this right now. ND is one of only 5 that doesn't allow 17 year olds to donate without a consent form.

Thomas Johnson, a senior at Bismarck High School, testified in favor of SB 2157.

See attachment #2.

Vonnie Ereth spoke in favor of SB 2157. See attachment #3.

Senator J. Lee asked if there are any countries to which one could travel that would not prevent a person from donating.

Ms. Ereth said Canada and Europe are pretty safe.

There was no opposing testimony.

There was no neutral testimony.

The hearing on SB 2157 was closed.

Discussion followed on whether it was necessary to amend to say blood or blood products.

Ms. Hatle offered information to the committee that when a donor presents to donate it is determined at that time what the best product to take is based on their blood type and based

on patient needs. That will differ, sometimes whole blood, sometimes plasma, sometimes platelets, or it might be a combination. That is determined by the criteria set up – based on their weight, height, gender, when they last donated. That donor has the choice to donate blood, however, the blood bank determines if they are eligible regardless of age.

Senator Erbele asked if there are other agencies that draw blood.

Ms. Hatle said that United Blood Services of ND is part of Blood Systems. There are 18 centers in the United States. There are numerous independent blood centers around the United States. Red Cross is a large one.

Senator Erbele asked if there are any records shared between drawing agencies.

Ms. Hatle said the plasma centers are separate entities and the donors are compensated for their time. The volunteer blood donation records are shared.

Senator Heckaman moved a **Do Pass** on SB 2157.

The motion was seconded by **Senator Dever**.

Roll call vote 5-0-1. **Motion passed.**

Carrier is **Senator Heckaman**.

Date: 1-14-09

Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2157

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Sen. Heckaman Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair	✓		Senator Richard Marcellais		
Senator Dick Dever	✓		Senator Jim Pomeroy	✓	

Total (Yes) 5 No 0

Absent 1

Floor Assignment Sen. Heckaman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2157: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2157 was placed on the
Eleventh order on the calendar.

2009 HOUSE HUMAN SERVICES

SB 2157

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2157

House Human Services Committee

Check here for Conference Committee

Hearing Date: March 3, 2009

Recorder Job Number: 10105

Committee Clerk Signature

Wicky Crabtree

Minutes:

Chairman Weisz opened the hearing on SB 2157.

Rep. Ralph Metcalf sponsored and introduced the bill. When in the military we needed blood. There's a need for blood and we have a shortage of it. I don't think it will be a problem with the parents as they will only be one year away from the legal age of 18.

Rep. David Rust: Testified in support and also a sponsor of the bill. I have a blood donor's card that says I donated blood three times in 2003. I'm speaking in support of the SB 2157. It's the gift of life. I don't believe it's a problem with 17 year olds to donate blood. I don't think parents mind.

Rep. Damschen: Is there instances of involuntary blood donations other than to the IRS? (Laughter).

Rep. Rust: It's only to the IRS.

Rep. Hawken: Testified in support and also a sponsor of the bill.

Connie Morris, Executive Director for United Blood Services: See Testimony #1.

Rep. Porter: What is the youngest that someone can donate?

Connie Morris: Sixteen and eight years old of age if donating for yourself.

Chairman Weisz: Currently what happens if a screening shows something in the blood in a minor?

Connie Morris: We notify the donor and not the parents even if a minor.

Thomas Johnson: Testified in support. **See Testimony #2.**

Ann Persico, representing United Blood Services: Testified of the integrity of young people and how one basketball player donated blood for a competitor.

Sen. Judy Lee sponsored and testified in support of the bill.

NO OPPOSITION.

Chairman Weisz closed the hearing on SB 2157.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2157

House Human Services Committee

Check here for Conference Committee

Hearing Date: March 3, 2009

Recorder Job Number: 10110

Committee Clerk Signature

Ticky Crabtree

Minutes:

Chairman Weisz: Lets' take a look at 2157. I like the bill, but I'll express the concerns, for example if a minor tests positive for HIV, they will send a letter to donor, but then what? I don't have a problem of them donating without consent, but I do have an issue with if something would show up in the test, that the parents wouldn't be notified.

Rep. Holman: The responsibility of notifying care givers, are we off the hook with this?

Chairman Weisz: They notify the donor as that is it.

Rep. Frantsvog: If you are 18 or over and test to HIV, does someone get notified?

Chairman Weisz: Just the individual. (Everyone talking at once).

Chairman Weisz: Anything that has a health problem. My concern is that a minor gets a letter and parents don't have a clue.

Rep. Porter: After guardian on line 8, that we just include language that says, "any notifications of medical conditions must be mailed to the donor and the individual's parent or guardian".

Chairman Weisz: Donating the blood to me is not a health issue that needs notification. If some issue comes too light, should it or shouldn't it reported to the parent or guardian?

Rep. Kilichowski: Right now we deal with the consent form. Does it specify on that consent form that if there is any problems with HIV or anything else that it would be reported to the parent or guardian?

Chairman Weisz: I don't have the answer to that.

Rep. Conrad: I think of the pre-natal bill and hold this bill (inaudible).

Chairman Weisz: They may drop this down to 16.

Rep. Conrad: (Inaudible).

(Talking all at once.)

Rep. Hofstad: What is the age reporting for HIPPA?

Rep. Porter: 13 or 14.

Chairman Weisz: The law I thought was 13 or is it 14? Let's sit on this for now.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2157

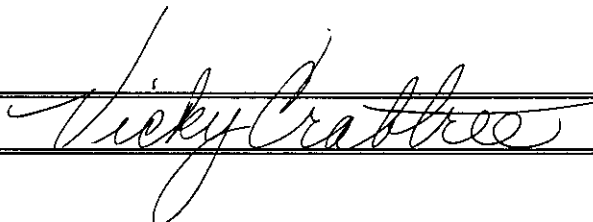
House Human Services Committee

Check here for Conference Committee

Hearing Date: March 9, 2009

Recorder Job Number: 10526

Committee Clerk Signature



Minutes:

Chairman Weisz: Let's look at 2157. I asked for some information and they were suppose to get back to me this morning and they haven't so I'll have to try and contact them. Currently now if a minor donates blood and rejected for a reason, notification is sent the parent.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2157

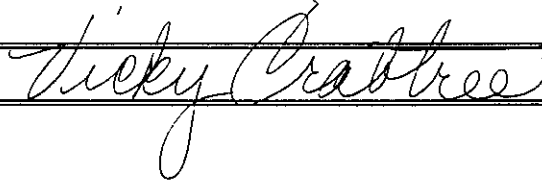
House Human Services Committee

Check here for Conference Committee

Hearing Date: March 11, 2009

Recorder Job Number: 10664

Committee Clerk Signature



Minutes:

Chairman Weisz: Let's take up 2157. I got a response back from United Blood Services who got a response back from the National headquarters on the question of parental notification if the donation would be rejected because of the problem. Currently because of the consent that has to be signed, the parent is notified. If this committee so desires, there would not be an issue of notifying parents without the consent. You won't need consent to donate your blood of a minor, if test comes back (example) with HIV positive, it would not be an issue with them notifying both the parent and minor.

Rep. Conrad: They don't have to give permission, but the parents would now their child has donated blood?

Chairman Weisz: Normally they don't send any response to donate your blood. It's just a matter of an issue with your blood that they would send notification. I asked her if they had a problem lower the age to 16. No problem on their part.

Rep. Kilichowski: So they would automatically notify the parents.

Chairman Weisz: They won't under the current scenario if we take away the consent portion, they will no longer notify the parent if there is a problem with the blood because they have no legal responsibility or authority to do that. There is no issue if we say it is required.

Rep. Kilichowski: Motion to amend to age 16 and parents notified.

Chairman Weisz: I'm not sure how that would have to be worded.

Rep. Porter: I got it written down here while we were having the hearing that we would include the language, "any notifications of a medical condition must be mailed to the donor and the individual's parent or guardian."

Chairman Weisz: Ok, that pretty well says it.

Rep. Porter: Second.

Rep. Damschen: I'm kind of neutral in it myself, but I've heard a little concern voiced about lowering it to 16. I may oppose it on those grounds.

Chairman Weisz: You mean it is just too young?

Rep. Damschen: It is borderline. I can see some parents being touchy about the notification process.

Rep. Nathe: Don't have a problem with 16. My daughter turned 15 and if she is old enough to drive at 14, she's old enough to donate blood.

Voice Vote: Motion Carried on amendment.

Rep. Kilichowski: Motion DP as Amended.

Rep. Uglem: Second.

Roll Call Vote: 12 yes, 1 no, 0 absent.

MOTION CARRIED DO PASS.

BILL CARRIER: Rep. Kilichowski.

VK
3/11/09

PROPOSED AMENDMENTS TO SENATE BILL NO. 2157

Page 1, line 6, replace "seventeen" with "sixteen"

Page 1, line 8, after the underscored period insert "Any notification of a medical condition must be mailed to the donor and the donor's parent or guardian."

Renumber accordingly

Date: 3-11-09

Roll Call Vote #:

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.**

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Rep. Kilichowski Seconded By Rep. Porter

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ			REP. TOM CONKLIN		
VICE-CHAIR VONNIE PIETSCH			REP. KARI L CONRAD		
REP. CHUCK DAMSCHEN			REP. RICHARD HOLMAN		
REP. ROBERT FRANTSVOG			REP. ROBERT KILICHOWSKI		
REP. CURT HOFSTAD			REP. LOUISE POTTER		
REP. MICHAEL R. NATHE					
REP. TODD PORTER					
REP. GERRY UGLEM					

Total (Yes) 12 No 1

Absent 0

Bill Carrier _____

If the vote is on an amendment, briefly indicate intent:

Motion Carried Amendment to Raise age to 16 and require Parental Notification if a Problem with Blood

Date: 3-11-09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2157

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Rep. Kilichowski Seconded By Rep. Uglem

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ	✓		REP. TOM CONKLIN	✓	
VICE-CHAIR VONNIE PIETSCH	✓		REP. KARI L CONRAD	✓	
REP. CHUCK DAMSCHEN		✓	REP. RICHARD HOLMAN	✓	
REP. ROBERT FRANTSVOG	✓		REP. ROBERT KILICHOWSKI	✓	
REP. CURT HOFSTAD	✓		REP. LOUISE POTTER	✓	
REP. MICHAEL R. NATHE	✓				
REP. TODD PORTER	✓				
REP. GERRY UGLEM	✓				

Total (Yes) 12 No 1

Absent 0

Bill Carrier Rep. Kilichowski

If the vote is on an amendment, briefly indicate intent:

Motion carried

REPORT OF STANDING COMMITTEE

SB 2157: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2157 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "seventeen" with "sixteen"

Page 1, line 8, after the underscored period insert "Any notification of a medical condition must be mailed to the donor and the donor's parent or guardian."

Renumber accordingly

2009 TESTIMONY

SB 2157



**Statement given by Stacey Majkrzak, United Blood Services
Senate Bill #2157**

Ladies and Gentlemen of the North Dakota Legislature,

Thank you for the opportunity to speak to you today regarding senate bill #2157. My name is Stacey Majkrzak and I am the marketing manager for United Blood Services Fargo, Bismarck, Minot, and Aberdeen, South Dakota.

I am here to ask for your support to allow 17 year olds to donate blood without a consent form.

United Blood Services needs to collect 300 units a day to provide to the 71 hospitals that we serve. We are the sole provider of blood and blood components to hospitals in North Dakota, northeastern South Dakota and northwestern Minnesota. We employ over 200 people and are committed to bringing in volunteer blood donors to save the lives of patients in our state.

North Dakota is one of only five states that still require consent forms for 17 year old blood donors. For those states that have recently passed this legislation, many have experienced a doubling, and in some cases, a tripling of participation at high schools. The average blood collections from high school donors nationwide are 15 percent. North Dakota averages just 8 percent! We have an opportunity to make a dramatic difference in our blood supply for local patients by allowing 17 year olds to donate without a consent form.

Currently, our experience with the consent forms is disheartening. We see so many students come to the blood drives wanting to donate, however they have forgotten their slip; they decide to donate last minute because their friend is donating and they want to support each other, but they don't have their slip; they see others doing it and they want to do something good too, but they don't have their slip.

Now is the time to get teens in a routine of donating blood. Working in the blood banking industry we have seen a decrease in blood donors, specifically in our largest pool of donors; the baby boomers. This is a generation who grew up knowing the importance of blood donation, however we have neglected to pass that significance on to our children. In a generation that is sometimes viewed negatively, this offers them an opportunity to make good choices and participate in altruistic acts that enhance the quality of life for so many people.

Lastly, I want to assure this committee that whether donors are 16 or 60, blood donation is the safest it has ever been. We take the necessary steps to ensure the safety of all our donors, especially those most precious – your children.

I want to conclude by thanking you for your consideration of this bill. The future of the blood supply, we feel would be greatly impacted by your decision to allow 17 year olds to donate without a consent form.

Thank you!

Testimony in Support of SB 2157

Thomas Johnson, Bismarck ND

January 14, 2009

Senator Judy Lee, Chair
Human Services Committee
Red River Room

*Same
Given to
House*

Madam Chair and Members of the Committee:

My name is Thomas Johnson and I am 17 years old and a senior at Bismarck High School. There have been several blood drives at Bismarck High School during the three years I have attended and I have donated blood once.

I support **Senate Bill 2157** because most of the kids I know are willing to donate blood. They understand that it is important and that blood is needed in accidents and in certain illnesses. It is a community service that students can provide that doesn't take a lot of time and is right on campus.

However there is a barrier to students donating blood when there is a blood drive at our high school. Many times students forget to take a permission slip home or they take it home and forget to have it signed by a parent. Sometimes students lose track of the date of the drive and haven't picked up a permission slip. Sometimes, students decide on the spur of the moment that they will donate. In fact, I only donated once because during the other blood drives I forgot to have my permission slip signed.

I believe that there is minimal risk in allowing seventeen year olds to make their own decision to donate blood. Many precautions are taken at the site. Almost all seventeen year olds know what health conditions they have and are capable of reporting those health conditions when asked. Finally, only a small percentage of students are 18 at most high schools.

Allowing seventeen year olds to donate blood without their parents consent would increase participation. Students who donate once, and feel good about it, will donate again, thereby securing future donors and a supply of blood.

Please recommend a **Do Pass for SB 2157**.

Statement given by Vonnie Ereth

Senate Bill #2157

Good Morning,

Thank You for allowing me to speak on Senate Bill 2157: voluntary blood donation by minors.

I am here to support allowing 17 year old teens to donate blood by signing a consent form. The American Association of Blood Banks supports this legislation, and has found that parents across the nation safely support 17 year olds who want to donate one pint of blood, especially when there is no risk to the teen, and it gives them a sense of responsibility in helping save lives.

This opportunity would allow and teach teens to make good personal choices in regards for their own health, and give them a sense of self-esteem by contributing to the community and enhancing the lives of people needing blood, as well as the addition of new donors.

I personally have donated for over 25 years without any side effects, and truly appreciated the availability of blood transfusions when my mother required 6 units during Open Heart Surgery a few years ago. It is my way of contributing back to the community for others who have emergency needs.

We have lost many donors in the past few years due to many reasons. Those who serve in the military are unable to donate after return to US, because it takes one year for an individual to donate after being out of the country; more individuals are traveling out of the country also; some medications cause individuals to be ineligible to donate; and, of course, the aging population.

I personally am a working Public Health Nurse, and see education for the teen a most important issue, as well as parent education regarding installing good health practices, making positive choices, and the commitment to assist the community in having an ample supply of blood.

Thank You



United Blood Services

3231 S. 11th Street / P.O. Box 2462 / Fargo, ND 58108-2462
(701) 293-9453 / FAX (701) 235-0485

#1
Locations in:
Bismarck, ND
Minot, ND
Aberdeen, SD

Mr. Chairman and members of the house:

Thank you for the opportunity to speak to you today regarding senate bill number 2157. My name is Connie Morris and I am the executive director for United Blood Services with locations in Fargo, Bismarck, Minot, and Aberdeen, South Dakota.

North Dakota is one of just five states that still require a consent form for 17 year old blood donors. Forty five states agree that this age group is ready and willing to make altruistic choices that enhance the quality of life for those in their communities.

For the states that have recently passed similar legislation, many have experienced a doubling, and in some cases a tripling of participation at high school blood drives with the national average of blood collections from high school donors being 15 percent. North Dakota averages just 8 percent, this is not because they don't want to donate but because we have placed barriers in their path.

Today's young people are doing tremendous things that would make any mother and father proud. Things like rallying to fill a building with food for those who do not have enough to eat; raising thousands of dollars for a local food bank; getting involved in service organizations and bringing the mission and service opportunities to their classmates; I've seen a basketball team get on a bus to donate blood at United Blood Services because their game fell on the same day as their school blood drive. These are the examples I've seen from our young people. This is the hope I have for our next generation and the potential I see for our future blood supply.

I have 2 children ages 10 and 11. My husband and I have worked very hard to instill the basic values of respect, integrity, trustworthiness and community. To them donating blood is a simple concept and they don't understand how anyone would decide not to save someone's life. We need to hold on to that simplicity – that purity of heart. Our young people want to get involved – they want to make a difference in someone else's life and that is what donating blood can offer.

There is no substitute for blood. Our state is struggling to attract new blood donors and the real danger lies 5-10 years down the road in whether or not we will have enough blood to meet our patient's needs. Allowing 17 year olds to donate without consent would help ease that danger. This is a chance to allow this age group to do great things.

Lastly, I want to assure this committee that whether donors are 16 or 60, blood donation is the safest it has ever been and we are taking the necessary steps to ensure the safety of all our donors.

Thank you for your consideration, and in advance, for your support of this bill. I would be happy to take your questions at this time.